

By Commissioner Timmann

timmannc-00018B-17

201713__

1 A proposal to amend
 2 Sections 1 and 6 of Article VIII of the State
 3 Constitution to remove authority for a county charter
 4 or a special law to provide for choosing specified
 5 county officers in a manner other than election and to
 6 prohibit a county charter from abolishing specified
 7 county officers, transferring duties of a county
 8 officer to another officer or office, establishing the
 9 length of terms of county officers, or establishing
 10 any manner of selection of county officers other than
 11 by election.

12
 13 Be It Proposed by the Constitution Revision Commission of
 14 Florida:

15
 16 Sections 1 and 6 of Article VIII of the State Constitution
 17 are amended to read:

18 ARTICLE VIII

19 LOCAL GOVERNMENT

20 SECTION 1. Counties.—

21 (a) POLITICAL SUBDIVISIONS. The state shall be divided by
 22 law into political subdivisions called counties. Counties may be
 23 created, abolished or changed by law, with provision for payment
 24 or apportionment of the public debt.

25 (b) COUNTY FUNDS. The care, custody and method of
 26 disbursing county funds shall be provided by general law.

27 (c) GOVERNMENT. Pursuant to general or special law, a
 28 county government may be established by charter which shall be
 29 adopted, amended or repealed only upon vote of the electors of
 30 the county in a special election called for that purpose.

31 (d) COUNTY OFFICERS. There shall be elected by the electors
 32 of each county, for terms of four years, a sheriff, a tax

timmann-00018B-17

201713__

33 collector, a property appraiser, a supervisor of elections, and
34 a clerk of the circuit court; ~~except, when provided by county~~
35 ~~charter or special law approved by vote of the electors of the~~
36 ~~county, any county officer may be chosen in another manner~~
37 ~~therein specified, or any county office may be abolished when~~
38 ~~all the duties of the office prescribed by general law are~~
39 ~~transferred to another office. Unless When not otherwise~~
40 ~~provided by county charter or special law approved by vote of~~
41 ~~the electors or pursuant to Article V, section 16, the clerk of~~
42 ~~the circuit court shall be ex officio clerk of the board of~~
43 ~~county commissioners, auditor, recorder and custodian of all~~
44 ~~county funds. Notwithstanding subsection 6(e) of this article, a~~
45 ~~county charter may not abolish the office of a sheriff, a tax~~
46 ~~collector, a property appraiser, a supervisor of elections, or a~~
47 ~~clerk of the circuit court; transfer the duties of those~~
48 ~~officers to another officer or office; establish the length of~~
49 ~~the term of office; or establish any manner of selection other~~
50 ~~than by election by the electors of the county.~~

51 (e) COMMISSIONERS. Except when otherwise provided by county
52 charter, the governing body of each county shall be a board of
53 county commissioners composed of five or seven members serving
54 staggered terms of four years. After each decennial census the
55 board of county commissioners shall divide the county into
56 districts of contiguous territory as nearly equal in population
57 as practicable. One commissioner residing in each district shall
58 be elected as provided by law.

59 (f) NON-CHARTER GOVERNMENT. Counties not operating under
60 county charters shall have such power of self-government as is
61 provided by general or special law. The board of county

timmann-00018B-17

201713__

62 commissioners of a county not operating under a charter may
63 enact, in a manner prescribed by general law, county ordinances
64 not inconsistent with general or special law, but an ordinance
65 in conflict with a municipal ordinance shall not be effective
66 within the municipality to the extent of such conflict.

67 (g) CHARTER GOVERNMENT. Counties operating under county
68 charters shall have all powers of local self-government not
69 inconsistent with general law, or with special law approved by
70 vote of the electors. The governing body of a county operating
71 under a charter may enact county ordinances not inconsistent
72 with general law. The charter shall provide which shall prevail
73 in the event of conflict between county and municipal
74 ordinances.

75 (h) TAXES; LIMITATION. Property situate within
76 municipalities shall not be subject to taxation for services
77 rendered by the county exclusively for the benefit of the
78 property or residents in unincorporated areas.

79 (i) COUNTY ORDINANCES. Each county ordinance shall be filed
80 with the custodian of state records and shall become effective
81 at such time thereafter as is provided by general law.

82 (j) VIOLATION OF ORDINANCES. Persons violating county
83 ordinances shall be prosecuted and punished as provided by law.

84 (k) COUNTY SEAT. In every county there shall be a county
85 seat at which shall be located the principal offices and
86 permanent records of all county officers. The county seat may
87 not be moved except as provided by general law. Branch offices
88 for the conduct of county business may be established elsewhere
89 in the county by resolution of the governing body of the county
90 in the manner prescribed by law. No instrument shall be deemed

timmann-00018B-17

201713__

91 recorded until filed at the county seat, or a branch office
92 designated by the governing body of the county for the recording
93 of instruments, according to law.

94 SECTION 6. Schedule to Article VIII.-

95 (a) This article shall replace all of Article VIII of the
96 Constitution of 1885, as amended, except those sections
97 expressly retained and made a part of this article by reference.

98 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The
99 status of the following items as they exist on the date this
100 article becomes effective is recognized and shall be continued
101 until changed in accordance with law: the counties of the state;
102 their status with respect to the legality of the sale of
103 intoxicating liquors, wines and beers; the method of selection
104 of county officers; the performance of municipal functions by
105 county officers; the county seats; and the municipalities and
106 special districts of the state, their powers, jurisdiction and
107 government.

108 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding
109 office when this article becomes effective shall continue in
110 office for the remainder of the term if that office is not
111 abolished. If the office is abolished the incumbent shall be
112 paid adequate compensation, to be fixed by law, for the loss of
113 emoluments for the remainder of the term.

114 (d) ORDINANCES. Local laws relating only to unincorporated
115 areas of a county on the effective date of this article may be
116 amended or repealed by county ordinance.

117 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
118 10, 11 and 24, of the Constitution of 1885, as amended, shall
119 remain in full force and effect as to each county affected, as

timmann-00018B-17

201713__

120 if this article had not been adopted, until that county shall
121 expressly adopt a charter or home rule plan pursuant to this
122 article. All provisions of the Metropolitan Dade County Home
123 Rule Charter, heretofore or hereafter adopted by the electors of
124 Dade County pursuant to Article VIII, Section 11, of the
125 Constitution of 1885, as amended, shall be valid, and any
126 amendments to such charter shall be valid; provided that the
127 said provisions of such charter and the said amendments thereto
128 are authorized under said Article VIII, Section 11, of the
129 Constitution of 1885, as amended.

130 (f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To
131 the extent not inconsistent with the powers of existing
132 municipalities or general law, the Metropolitan Government of
133 Dade County may exercise all the powers conferred now or
134 hereafter by general law upon municipalities.

135 (g) SELECTION AND DUTIES OF COUNTY OFFICERS.—The amendment
136 to Section 1 of this article, relating to the selection and
137 duties of county officers, shall take effect January 5, 2021,
138 but shall govern with respect to the qualifying for and the
139 holding of the primary and general elections for county
140 constitutional officers in 2020.

141 (h) ~~(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
142 shall have power, by joint resolution, to delete from this
143 article any subsection of this Section 6, including this
144 subsection, when all events to which the subsection to be
145 deleted is or could become applicable have occurred. A
146 legislative determination of fact made as a basis for
147 application of this subsection shall be subject to judicial
148 review.